

By Representative Clarke

1                                   A bill to be entitled  
2           An act relating to the Department of State;  
3           amending s. 265.285, F.S.; revising the  
4           membership of and appointing authority for the  
5           Florida Arts Council; providing for terms of  
6           members; providing a limitation on consecutive  
7           terms of membership; providing qualifications  
8           for council appointees; revising a duty of the  
9           council; amending s. 265.286, F.S.; revising  
10          the scope of a challenge grant program  
11          authorized by the Division of Cultural Affairs  
12          of the Department of State; providing match  
13          ratio criteria for local, regional, and state  
14          or capital projects; providing an effective  
15          date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

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19           Section 1. Section 265.285, Florida Statutes, is  
20 amended to read:

21           265.285 Florida Arts Council; membership, duties.--

22           (1)(a) The Florida Arts Council is created in the  
23 department as an advisory body, as defined in s. 20.03(7), to  
24 consist of 15 members ~~appointed by the Secretary of State.~~  
25 Eleven members shall be appointed by the Governor, two members  
26 shall be appointed by the President of the Senate, and two  
27 members shall be appointed by the Speaker of the House of  
28 Representatives. The appointments, to be made in consultation  
29 with the Secretary of State, shall recognize the need for  
30 geographical representation. Council members appointed by the  
31 Governor shall be appointed for 4-year terms. Council members

1 appointed by the President of the Senate and the Speaker of  
2 the House of Representatives shall be appointed for 2-year  
3 terms. Council members serving on July 1, 2002, may serve the  
4 remainder of their respective terms. New appointments to the  
5 council shall not be made until the retirement, resignation,  
6 removal, or expiration of the terms of the initial members  
7 results in fewer than 15 members remaining. As vacancies  
8 occur, the first appointment to the council shall be made by  
9 the Governor. The President of the Senate, the Speaker of the  
10 House of Representatives, and the Governor, respectively,  
11 shall then alternate appointments until the commission is  
12 composed as required herein.~~In making the appointments, the~~  
13 ~~secretary shall give due consideration to geographical~~  
14 ~~representation so that every area of the state will have a~~  
15 ~~voice on the council. The term of office of each member shall~~  
16 ~~be 4 years.~~ No member of the council who serves two 4-year  
17 terms or two 2-year terms will be eligible for reappointment  
18 during a 1-year period following the expiration of the  
19 member's second term. A member whose term has expired shall  
20 continue to serve on the council until such time as a  
21 replacement is appointed.Any vacancy on the council shall be  
22 filled for the remainder of the unexpired term in the same  
23 manner as for the original appointment. Members should have a  
24 substantial history of community service in the performing or  
25 visual arts, which includes, but is not limited to, theatre,  
26 dance, folk arts, music, architecture, photography, and  
27 literature. In addition, it is desirable that members have  
28 successfully served on boards of cultural institutions such as  
29 museums and performing arts centers or are recognized as  
30 patrons of the arts.  
31

1 (b) The members shall elect a chair from their number  
2 annually. The council shall meet at the call of its chair, at  
3 the request of the department, or at such times as may be  
4 prescribed by its rules. A majority of the members of the  
5 council constitutes a quorum, and a meeting may not be held  
6 with less than a quorum present. The affirmative vote of a  
7 majority of the members of the council present is necessary  
8 for any official action by the council.

9 (c) The Secretary of State may appoint review panels  
10 representing various artistic disciplines to assist the  
11 Florida Arts Council in the grant review process. Review  
12 panel members shall serve for 1-year terms. Each panel shall  
13 include practicing artists or other persons actively involved  
14 in the specific discipline for which the panel is to review  
15 grants. The panels shall review grant applications and make  
16 recommendations to the council concerning the relative merits  
17 of the applicants. The division shall, by rule, establish  
18 criteria for reviewing grant applications to ensure compliance  
19 with applicable federal and state laws relating to  
20 discrimination and conflicts of interest.

21 (d) The council and panels shall provide a forum for  
22 public comment prior to voting on any art grant application.

23 (e) Members of the council and panels shall not  
24 receive any compensation for their services but shall be  
25 reimbursed for travel and expenses incurred in the performance  
26 of their duties, as provided in s. 112.061.

27 (f) If a member of the council is absent from two  
28 consecutive meetings or any two regularly scheduled meetings  
29 in any calendar year, the council member's appointment shall  
30 be terminated unless the original appointing authority  
31 ~~secretary~~ determines that extenuating circumstances exist.

1           (g) The original appointing authority ~~secretary~~ may  
2 remove any of his or her appointees ~~member~~ from the council  
3 for misconduct or malfeasance in office, neglect of duty,  
4 incompetence, or permanent inability to perform official  
5 duties or if there has been an adjudication that the member is  
6 guilty of a felony.

7           (2) The duties of the council shall be to:

8           (a) Advise the Secretary of State in all matters  
9 pertaining to art, specifically with respect to any programs  
10 operated by the department as authorized hereunder.

11           (b) Stimulate and encourage throughout the state the  
12 study and presentation of the arts and public interest and  
13 participation therein.

14           (c) Make such surveys as may be advisable of public  
15 and private institutions which are engaged within the state in  
16 artistic and cultural activities.

17           (d) Encourage the participation in and appreciation of  
18 the arts to meet the needs and aspirations of persons in all  
19 parts of the state.

20           (e) Encourage public interest in the cultural heritage  
21 of this state and expand the cultural resources of the state.

22           (f) Encourage and assist freedom of artistic  
23 expression essential for the well-being of the arts.

24           (g) Advise the Secretary of State in all matters  
25 concerning the awarding of grants for the arts under this act.

26           (h) Promote the enhancement ~~decoration~~ and  
27 beautification of the interiors of the Capitol Building and  
28 other public buildings and advise appropriate state officers,  
29 state agencies, and the Department of Management Services in  
30 this regard.

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1 (i) Review applications for grants for the  
2 acquisition, renovation, or construction of cultural  
3 facilities and recommend a priority for the receipt of such  
4 grants, as provided in s. 265.701.

5 Section 2. Subsection (4) of section 265.286, Florida  
6 Statutes, is amended to read:

7 265.286 Art grants award by Division of Cultural  
8 Affairs.--

9 (4) The division is authorized to develop and conduct  
10 a challenge grant program available to cultural institutions  
11 or groups of institutions ~~that~~ which have local, regional, or  
12 statewide impact. Challenge grants shall be made for not less  
13 than \$10,000; and matching moneys must be on at least a basis  
14 of 1 to 1 for local projects, 2 to 1 for regional projects,  
15 and 3 to 1 for state or capital projects, with the institution  
16 providing the higher amount in the ratio. The division shall  
17 by rule establish the specific eligibility and matching  
18 criteria for such grants. Separate funding for this program  
19 shall be provided by the Legislature.

20 Section 3. This act shall take effect July 1, 2002.

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23 HOUSE SUMMARY

24 Revises the membership of and appointing authority for  
25 the Florida Arts Council. Provides for terms of members.  
26 Provides a limitation on consecutive terms of membership.  
27 Provides qualifications for council appointees. Revises a  
duty of the council.

28 Revises the scope of a challenge grant program authorized  
29 by the Division of Cultural Affairs of the Department of  
30 State. Provides match ratio criteria for local, regional,  
31 and state or capital projects.